

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
January 25, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Alex Berger, Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas and Cynthia Garnholz

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the January 11, 2011 minutes, which were previously provided to the Board.

**Alderman Goodman moved to approve the January 11, 2011 minutes. Alderman Lichtenfeld seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

None

### AN ORDINANCE TO CONSIDER AMENDMENTS TO THE BUILDING AND PROPERTY MAINTENANCE CODES REGARDING RENTAL HOUSING AND INSPECTION

**Alderman Berger moved that the Board open the Public Hearing with regard to Bill No. 6241.2, an ordinance to approve an amendment to the Building and Property Maintenance Code regarding rental housing and inspection and request proof of publication. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

City Manager Owens reported that this is a continuation of a discussion that the Board and staff has had on the building and property maintenance inspections. He stated that the proposed ordinance has digested a lot of conversation and a lot of input that was received from the community through a number of meetings with both interested parties. He reminded the Board that this is an extension of the existing inspection program to two classifications, condominiums and two-family duplexes that are not owner occupied.

Mayor Goldstein commented that the Board and staff have studied this issue for quite a while and received supplemental information to the many questions that were brought forth. She noted that they started out with great input from developers and the City has also sent

approximately 450 letters to property owners and really studied this issue carefully that will result in a good change and a good process.

Alderman Garnholz commented that the Request for Board Action states the staff estimates that approximately 50% of the duplexes and townhouses in the City are owner occupied, either in whole or in part. She stated that upon reading the report she asked if staff had data to show whether owner-occupied duplexes were better maintained, maintained the same as, or maintained not as well as non-owner occupied duplexes and from her understanding Susan Istenes said that staff did not have time to do the proper research and provide her with a definitive answer. Alderman Garnholz suggested that staff keep an eye on this issue because she feels like this is a lost opportunity to make it broader. Her concern is not so much with the unit that is owner-occupied, but with the other rental space within the duplex and feels that the City should be inspecting the rented unit. She encourages staff to keep an eye on whether owner-occupied duplexes are or become a problem.

**Alderman Berger moved that the Board close the Public Hearing with regard to Bill No. 6241.2, an ordinance to approve an amendment to the Building and Property Maintenance Code regarding rental housing and inspection. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Berger introduced Bill No. 6241.2, an ordinance to approve an amendment to the Building and Property Maintenance Code regarding rental housing and inspection to be considered for the first time to be read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O'Keefe reads Bill No. 6241.2, an ordinance to approve an amendment to the Building and Property Maintenance Code regarding rental housing and inspection for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Berger introduced Bill No. 6241.2, an ordinance to approve an amendment to the Building and Property Maintenance Code regarding rental housing and inspection to be considered for the second time to be read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O'Keefe reads Bill No. 6241.2 for the second time. Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris– Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6137 of the City of Clayton.**

#### **AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE FISCAL YEAR 2011 BUDGET**

**Alderman Berger introduced Bill No. 6253, to approve an amendment to the FY2011 Budget to be considered for the first time to be read by title only. Alderman Lichtenfeld seconded.**

City Manager Owens reported that the City does quarterly budget amendments in order to stay abreast of the changes that may happen throughout the course of the year, both in the revenue side as well as the expenditure changes.

Don Yucuis, Finance Director, reported that as the Board is aware the City has done this periodically for every quarter for quite a few time periods; recommendation is an increase of revenues of \$366,747 and an increase of expenses of \$1,174,302. He reported the following:

General Fund

Eliminate transfer in of \$328,000 from the Capital Improvements Fund.

Several budgeted positions were not filled in the first quarter, leading to a savings of \$21,853. This includes the Sustainability Coordinator (Planning) and the Accounts Clerk (Finance). These savings were partially offset by a temporary agency cost in Finance (\$3,753), for a net savings of \$18,100.

One full-time position, Customer Service Representative/Court Assistant (Finance), has been eliminated and replaced with two part-time positions. During the conversion process and recruitment, some temporary agency costs were incurred. The net savings is \$4,600.

Special Business District (SBD)

Reduce out of region advertising: -\$4,192; add \$2,688 for lease information to existing Costar contract; add \$83,000 to community events: \$70,000 for Art Fair, \$10,000 for Art on the Avenue, \$8,000 for holiday lighting and reduce Big Read by \$5,000; and add \$52,500 for streetlight painting and CBD plant watering.

Capital Improvements Fund

Add grant revenue of \$375,000: \$297,500 from Municipal Parks, \$75,000 from the MO Department of Natural Resources, and \$2,500 from the Rotary, all for the inclusion playground.

Add revenue of \$319,747, transfer from the 2009 Bond Fund 91 related to the new Police Building.

Several capital projects with carry-overs totaling \$808,259 were planned to be completed by the end of FY 2010 (September 30, 2010) and were not. They include improvements to Oak Knoll Park, park signage, inclusion playground, Wydown irrigation, traffic modeling, alley improvements, micro-surfacing, and the new Police Building.

\$135,000 for demolition of the 8015 Forsyth parking structure was added – completed.  
\$200,000 transfer to General Fund was eliminated.

Debt Service/Capital 2009 Bond Issue

The balance of FY 2010 bond proceeds, \$319,747, and transfer out relates to the new Police Building.

In response to Alderman Lichtenfeld's question, Don Yucuis clarified that the \$5,000 cost removed from the SBD budget was the total cost for the Big Read event therefore making that line item zero balance.

**City Attorney O'Keefe reads Bill No. 6253, an ordinance to approve an amendment to the FY2011 Budget for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Berger introduced Bill No. 6253, to approve an amendment to the FY2011 Budget to be considered for the second time to be read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O'Keefe reads Bill No. 6253 for the second time. Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris– Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6138 of the City of Clayton.**

**A RESOLUTION AUTHORIZING EXECUTION OF AN ACTUARIAL SERVICE AGREEMENT FOR THE CLAYTON UNIFORMED EMPLOYEE RETIREMENT FUND FOR 2011**

City Manager Owens reported that

**Alderman Berger moved to approve Resolution No. 11-05, an actuarial agreement with McCloud and Nichols for the Uniformed Employees' Pension Plan for 2011. Alderman Lichtenfeld seconded.**

Alderman Berger commented that McCloud & Nichols provides a valued service and that they gave a very creditable presentation to the UERF Board.

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO APPROVE THE RENAMING OF BICENTENNIAL GARDEN IN SHAW PARK**

City Manager Owens reported that one of the reasons the Clayton Century Foundation (CCF) was formed was to assist with the preparations for the City's centennial celebration in 2013. One of its sections, CCF Arts, has selected as a priority project for the celebration the acquisition of a commissioned art piece for the location in Shaw Park that is currently known as Bicentennial Garden. As the CCF launches the fundraising campaign to fund the acquisition of art for this site, they have requested that the Bicentennial Garden be renamed as the Century Garden. It is believed that this will help with their fundraising efforts since it could be confusing to reference the Bicentennial Garden when raising funds for the centennial celebration.

Per the Board's recently adopted policy on donations and naming rights, this request was forwarded to the Parks and Recreation Commission for a recommendation. The Commission unanimously voted to support this request at its December 6, 2010 meeting. The CCF asks that this be used only during their fundraising efforts. If and when a permanent art piece is acquired, conditions beyond simply being able to refer to it as the Century Garden may be requested. Such a request would require a similar review and approval process.

At this time there is no signage that references this garden as the Bicentennial Garden. Reference to this site as the Bicentennial Garden has been found in minutes of meetings, but there is no official marker to that effect at the site. It is believed that it was called this due to its creation during the nation's bicentennial celebration. There will be no costs associated with this change.

Recommendation is to approve a resolution authorizing the renaming of the garden located between the Ice Rink and Aquatic Center in Shaw Park to now be referenced as the Century Garden.

Alderman Lichtenfeld stated that he supports the renaming of the area and that he is in favor of the idea of the artwork. He recommended that the Clayton Century Foundation and the City continue to look for cooperative efforts from various entities.

Alderman Harris commented that the Clayton Century Foundation has identified various locations for artwork and is excited about working on the project.

Alderman Goodman commented that she is in support of continued collaboration and reminded the Board that the Clayton Art Commission worked with Washington University and the St. Louis Art Museum in getting the *Calder* and *Venus Victorious* sculptures.

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO CONSIDER APPROVING A CONTRACT WITH URS FOR  
ENGINEERING SERVICES FOR THE FORSYTH BOULEVARD PEDESTRIAN UNDERPASS  
PROJECT**

City Manager Owens reported that the City has agreements with Washington University, the Missouri Highway and Transportation Commission, and the Federal Highway Administration which provide for funding the replacement of the Forsyth Boulevard Pedestrian Underpass. These agreements were approved by the Board of Aldermen on November 9, 2010.

Recommendation is to approve the resolution authorizing a contract with URS in the amount of \$100,738 for engineering services related to the Forsyth Boulevard Pedestrian Underpass Project.

In response to Alderman Goodman's question, Mike Pratt stated that any expenses in excess of the contracted amount will be covered by Washington University.

**The motion passed unanimously on a voice vote.**

**Other**

Mayor Goldstein commented that the St. Louis County Council is meeting tonight and will be discussing tightening up their smoke free ordinance and possibly removing some of the current exemptions, but making a more clear definition of what should and should not be exempted. She said that as the ordinance stands now there is a little bit of confusion and some loopholes that are being challenged. She stated that she is glad to say that Clayton's ordinance is much tighter in terms of the definitions and that the City has experienced 99.9% compliance with the ordinance being widely accepted and appreciated by its residents, business owners, restaurants and hotels and it has been a very smooth transition. She added that although the City has experienced a smooth transition there is that .1% chance that it can be misinterpreted or misunderstood and she recommends that the Board and staff review some of the definitions, verbiage and requirements to make sure that everything is clear.

The Board of Aldermen commended the Public Works staff on a job well done in keeping the City's streets and sidewalks clear after the recent snow storm.

The Board of Alderman commended the staff on a job well done on the City's new website. They said that the website looks very good and also is user-friendly.

City Manager Owens commented that the region is experiencing an unusually difficult winter that will definitely impact the budget and he commended the Public Works staff on a great job well done.

City Manager Owens shared a copy of the City's first annual report and commended Judy Kekich on working very hard and producing a great piece. He added that the Annual Report is available on the City's website and will have very limited print copies due to budgetary reasons.

Mayor Goldstein acknowledged that there were three members of the MYAC who were in the audience and thanked them for their attendance. She announced that the MYAC would be meeting this week at City Hall to begin working on a committee project and invited the Board to attend.

There being no further regular business the meeting adjourned at 7:30 p.m.

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Mayor

ATTEST:

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City Clerk